

Development Permit & Development Variance Permit DP20-0041/DVP20-0042

This permit relates to land in the City of Kelowna municipally known as

3031 Abbott Street

and legally known as

Lot 1 Block 2 District Lot 14 ODYD Plan EPP114842

and permits the land to be used for the following development:

Mixed Use (Residential/Commercial)

USE as per Zoning Bylaw

Multiple Dwelling Housing, Food Primary Establishment, Retail Stores

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

<u>Date of Council Decision</u> November 30, 2021

Decision By: Council

<u>Development Permit Area:</u> Revitalization

Existing Zone: C4 – urban Centre Commercial

Future Land Use Designation: MXR – Mixed Use (Residential/Commercial)

This is NOT a Building Permit.

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: 3031 & 3041 Abbott Street GP LTD. Inc No BC1176909

Applicant: 514 Design Build Ltd.

Planner: Lydia Korolchuk

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date



SCOPE OF APPROVAL

This Development Permit applies to and only to this lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

2. CONDITIONS OF APPROVAL

- a) The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in accordance with Schedule "B";
- c) Landscaping to be provided on the land be in accordance with Schedule "C"; and
- d) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect.

That a land use restriction covenant be registered on title to protect the provision of a food primary establishment use within the commercial space;

That a land use restriction covenant be registered on title to ensure the longevity of live/work units along the Newsom Avenue frontage;

That Council authorizes the issuance of Development Variance Permit No. DVP20-0042 for Lot 1 Block 2 District Lot 14 ODYD Plan EPP114842, located at 3031 Abbott Street, Kelowna, BC;

That variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 14.4.5(c): C4 — Urban Centre Commercial Development Regulations

To vary the required maximum height from 15.0 m or 4 storeys permitted to 15.75 m and 4 1/2 storeys proposed,

Section 14.4.5(f): C4 – Urban Centre Commercial Development Regulations

To vary the required minimum rear yard from 6.0 m permitted to 0.0 m proposed.

<u>Table 8.2.7(a)</u>: Section 8 - Parking and Loading, Off-Street Parking Regulations, Dimensions of Parking Spaces and Drive Aisles

To vary the required minimum Van-Accessible Parking Space height clearance from 2.3 m permitted to 2.0 m proposed.

This Development Permit is valid for two (2) years from the date of approval, with no opportunity to extend.

3. PERFORMANCE SECURITY

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Developer and be paid to the Developer or his or her designate if the security is returned. The condition of the posting of the security is that should the Developer fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may enter into an agreement with the property owner of the day to have the work carried out, and any surplus shall be paid over to the property owner of the day. Should the Developer carry out the development permitted by this Permit within the time set out above, the security shall be returned to the Developer or his or her designate. There is filed accordingly:

a) An Irrevocable Letter of Credit OR certified cheque in the amount of \$54,952.54

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

4. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

The PERMIT HOLDER is the <u>CURRENT LAND OWNER</u>. Security shall <u>ONLY</u> be returned to the signatory of the Landscape Agreement or their designates.







PROJECT DESCRIPTION

The proposal is to build a mixed-use development with ground floor commercial retail on prominent corners along with street accessed townhomes and three storeys of residential condos above. This 24 unit, 4-storey wood frame building rests on a 'basement' concrete parking structure that is partially exposed. The benchmark elevation for this is governed by the floor plain and coordination with the geotechnical engineer.

ARCHITECTURAL DESIGN

The building is designed to be 'timeless', using traditional architectural details within modern forms. The intention is to meld within the character of Abbott streets' heritage along with its new modern counterpart. This will include a mixture of materials including exposed concrete, classic red brick masonry and board and batten siding. Design and material precedence can be seen in similar projects in the neighbourhood: Abbott House and Waterfront Wines Café. The massing of the building is derived from the unit layouts and to maximize lake views while being sensitive to neighbouring characteristics. Special attention has been paid to the main building entry off Abbott to make it both attractive and sensible. Pedestrian scaled design is important along this corridor and has been emphasized around the commercial retail spaces. For the ground accessed townhomes, there is a balance between scale and aesthetic, forming a base to the building that is both intimate yet pronounced. The play of massing and design help the building blend into its context and is integral to this pedestrian scaled approach.

For the parkade access and refuse collection, access has been provided off the laneway to the south. Consideration has been made to beautify these elements using wooden slats and privacy fencing. Both of which also include secure access.

OCP AMENMENT/REZONING RATIONALE

This lot lies within the Ru1 zoning of the South Pandosy Urban Centre directly adjacent to Sopa Square and is requesting an OCP amendment for rezoning to C4. Along with this rezoning, the laneway to the east of the property will be decommissioned and divided equally between the neighboring lot 425 Newsom Ave. The mixed-use development being proposed on the consolidated property of 3031 & 3041 Abbott Street reflects the residential use objectives within the OCP in a manner that is compatible with the existing residential character and neighborhood. It is our intention to maintain a residential community feel while providing greater density, amenity opportunities and a connection with Lake Okanagan and future Pandosy Beach Park. Located between the future Park and Sopa Square, this development aims to create a linear experience for pedestrian traffic via professional Live/Work spaces on Newsom Ave., and small-scale Commercial/Retail along Abbott Street. The OCP currently supports multi-family development in the South Pandosy Urban Centre and we feel this development's pedestrian-scale addition of commercial/retail space will only help strengthen the connection between this Urban Center and the areas largest amenity, Lake Okanagan.

DEVELOPMENT VARIANCE RATIONALE

The variance to increase the building height by 0.75 meters is to incorporate architectural roof projections that add to the character and definition of the building. The design looks to break up the



continuous parapet aesthetic by adding small shed roofs above each unit. As for the setback variance to the east side yard, it is understood that the adjacent property will be rezoned for future development, reducing the setback to 0 meters.

While this project follows the requirements for parking stall number and ratio, it is asking for a variance to reduce the height of accessible stalls within the parkade to 2.0m from 2.3m. Due to the additional height requirements required to access the stall (drive aisle, overhead garage door) along with insulation, mechanical equipment and sprinkler systems, the additional 0.3m may not be attainable within an underground parkade. We are asking for a variance to follow the old parking bylaw of 2.0m in accessible car height.

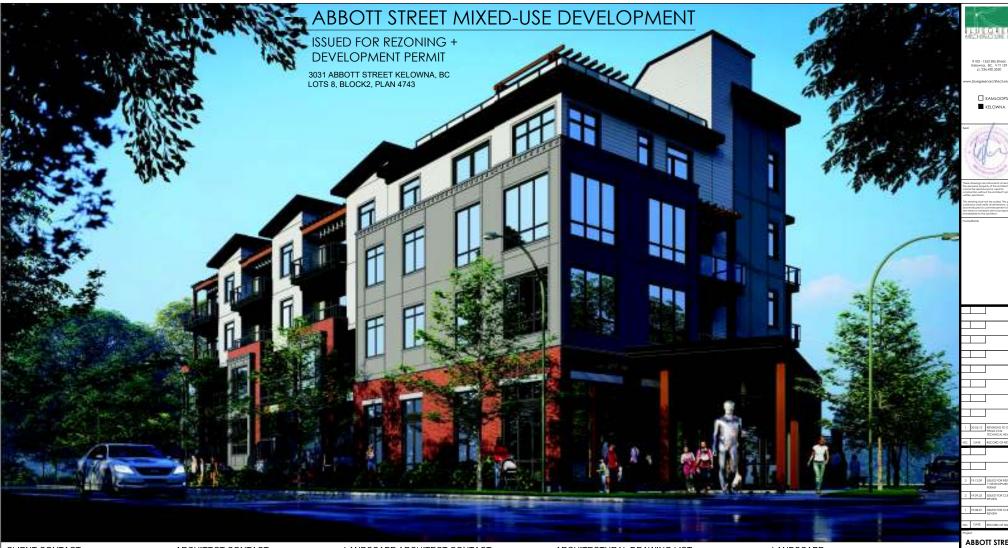
LANDSCAPE DESIGN

The landscape design for this mixed-use project takes its cues from nearby residential and multi-storey buildings to integrate the proposal into the fabric of the changing Abbott corridor. The Abbott-facing commercial units are mediated by enriching the hardscape with stone material and the provision of commercial-grade site furnishings.

Our client has consistently placed sculpture in the landscape, for several projects in which we are involved, and plans to enrich the public realm on the corner of Abbott & Newsom similarly. The piece will be lit with low voltage landscape lighting, with appropriate cut-off luminaires to reduce light pollution.

The Newsom-facing residential entries are elaborated with ground level planting and resilient shrubs. This new development provides an opportunity to embed climate resiliency into its landscape design: the entirety of the proposed plant list is either drought tolerant or listed by the Okanagan Xeriscaping Association as an approved xeriscaping plant appropriate to the region. The guiding planting concept is one of all-season interest, with minimal watering inputs.





CLIENT CONTACT:

YOUNGEARTH DEVELOPMENTS

Contact: Sachin Jhanghu sjhanghu@yahoo.ca 604-358-1000

ARCHITECT CONTACT:

BLUEGREEN ARCHITECTURE INC. #100 - 1353 ELLIS STREET, KELOWNA, BC. V1Y 1Z9

Contact: Aaron Whalen, Building Designer awhalen@bluegreenarch.com

Kevin Ryan, Architect kryan@bluegreenarch.com

www.bluegreenarchitecture.com

LANDSCAPE ARCHITECT CONTACT:

PMG LANDSCAPE ARCHITECTS LTD. C100 4185 STILL CREEK DRIVE BURNABY, BC

Contact: Caelan Griffiths caelan@pmglandscape.com

www.pmglandscape.com

ARCHITECTURAL DRAWING LIST

COVER SHEET & DRAWING LIST ZONING SUMMARY SITE PLAN, KEY PLAN & STREET VIEWS SITE SURVEY A0.0 A0.1 A1.0 A1.1

SITE SURVEY.
LEVEL 0 PLAN — PARKADE
LEVEL 1 PLAN — GROUND LEVEL
LEVEL 2 PLAN — RESIDENTIAL
LEVEL 3 PLAN — RESIDENTIAL
LEVEL 4 PLAN — RESIDENTIAL A1.1 A2.0 A2.1 A2.2 A2.3 A2.4 A2.5

ROOF PLAN

A3.1 A3.2 BUILDING ELEVATIONS - WEST & NORTH BUILDING ELEVATIONS - SOUTH & WEST A3.3 BUILDING PERSPECTIVES

BUILDING SECTIONS BUILDING SECTIONS LANDSCAPE

LANDSCAPE PLAN

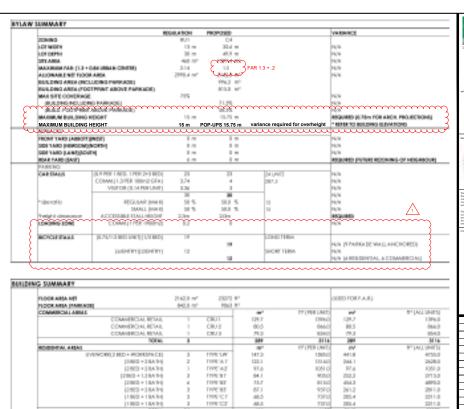
ABBOTT STREET MIXED-USE DEVELOPMENT

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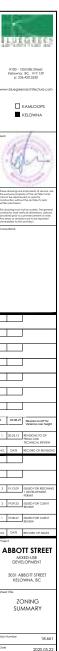
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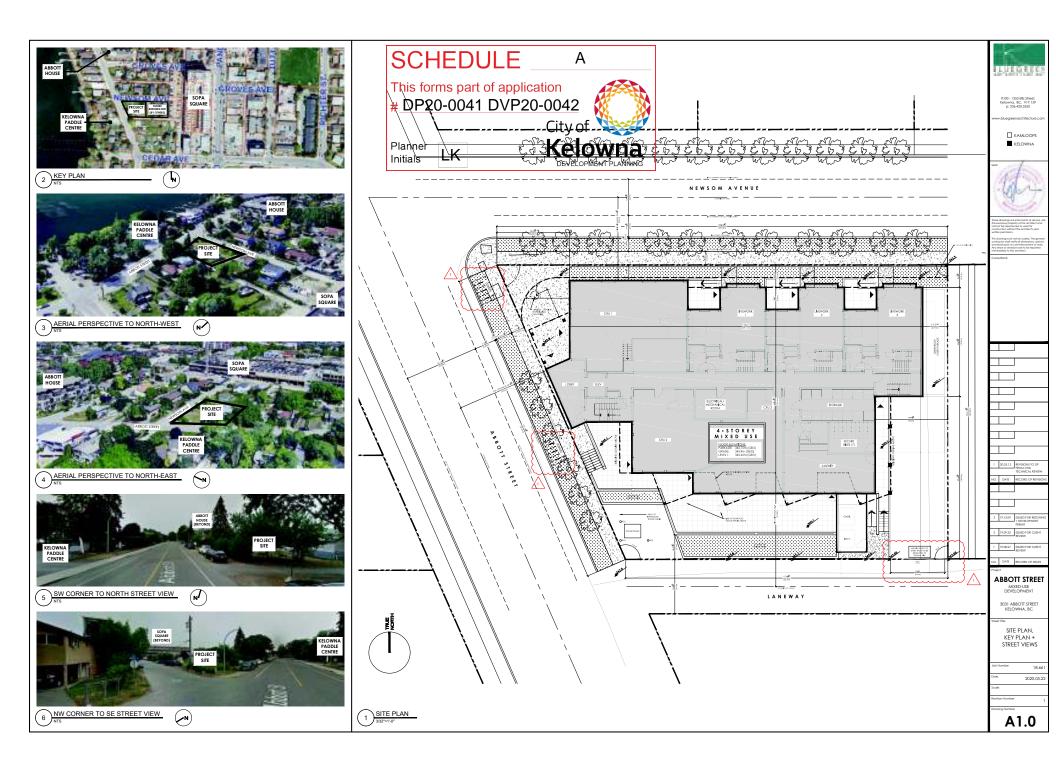
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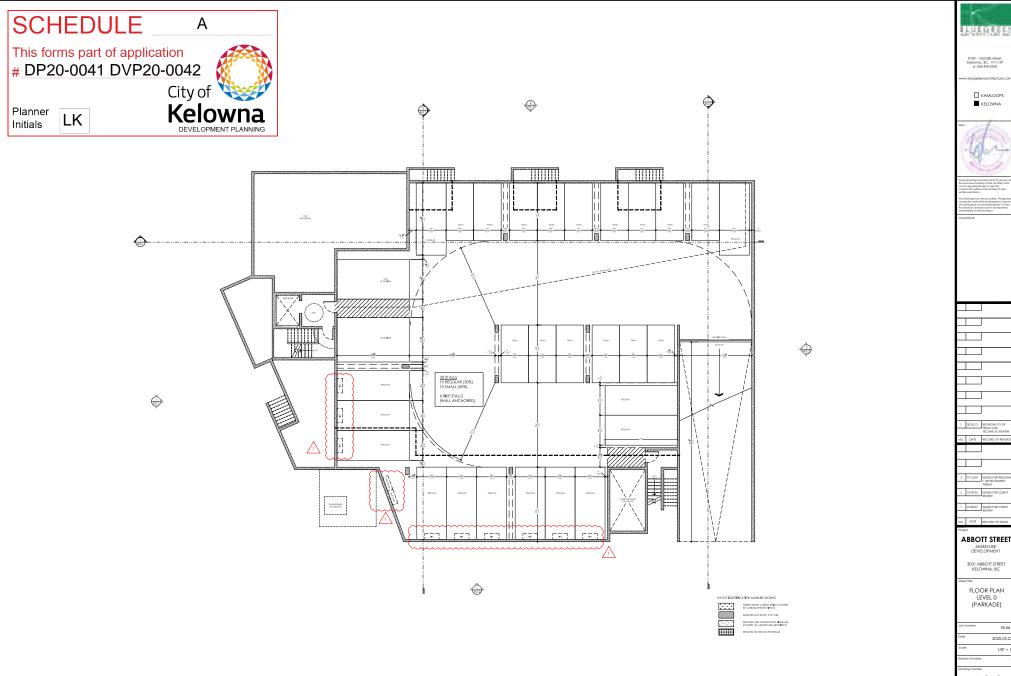
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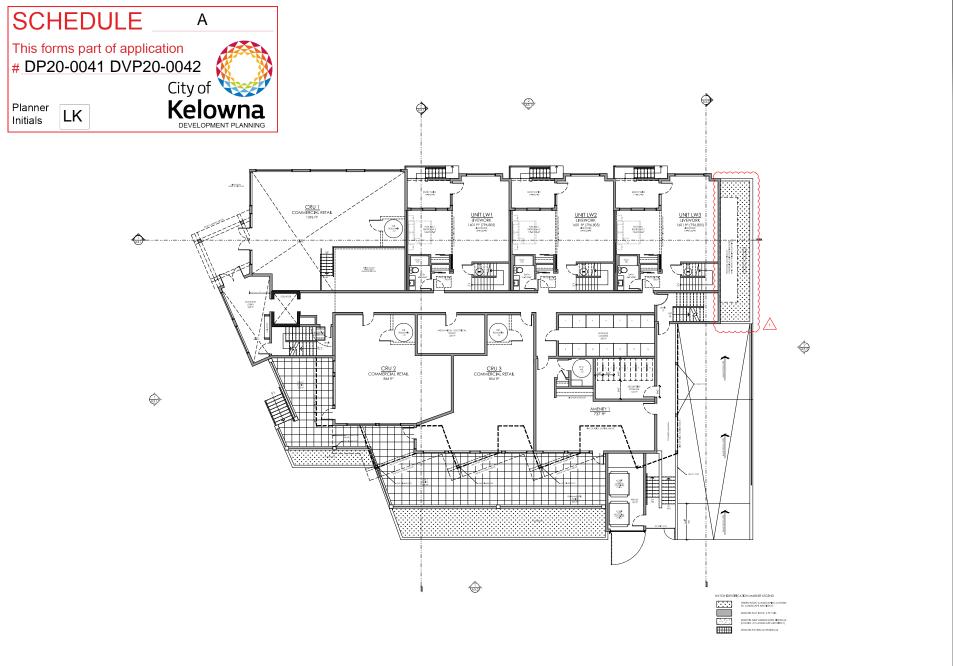




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FLOOR PLAN LEVEL 0 (PARKADE)



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#100 - 1353 Blis Street, Kelowna, BC. V1Y 129 p: 236.420.3550

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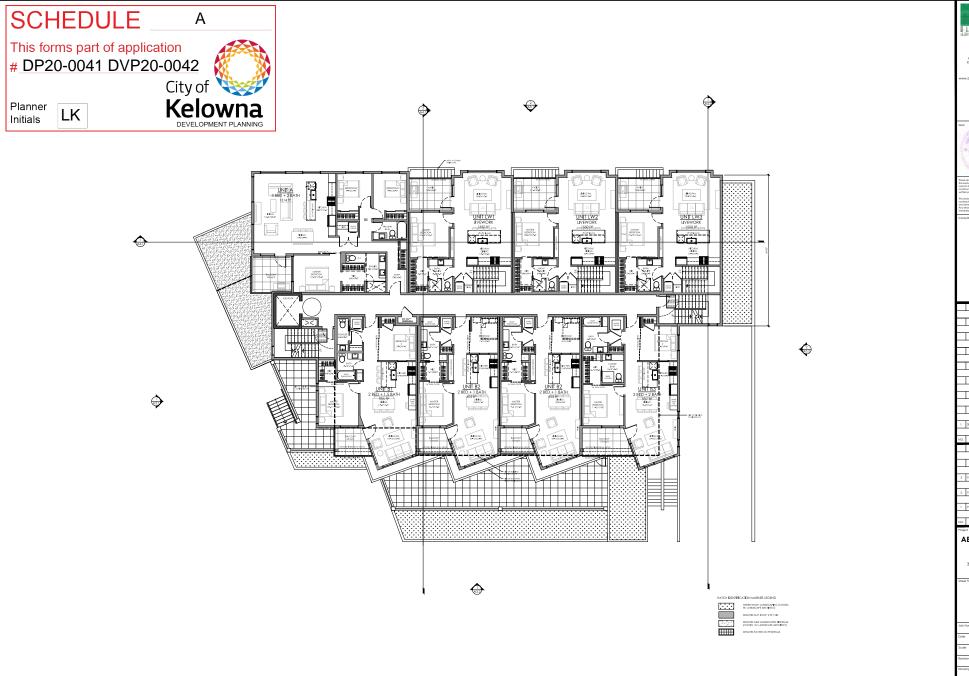
FLOOR PLAN LEVEL 1 (GROUND LEVEL)

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ABBOTT STREET

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> FLOOR PLAN LEVEL 2

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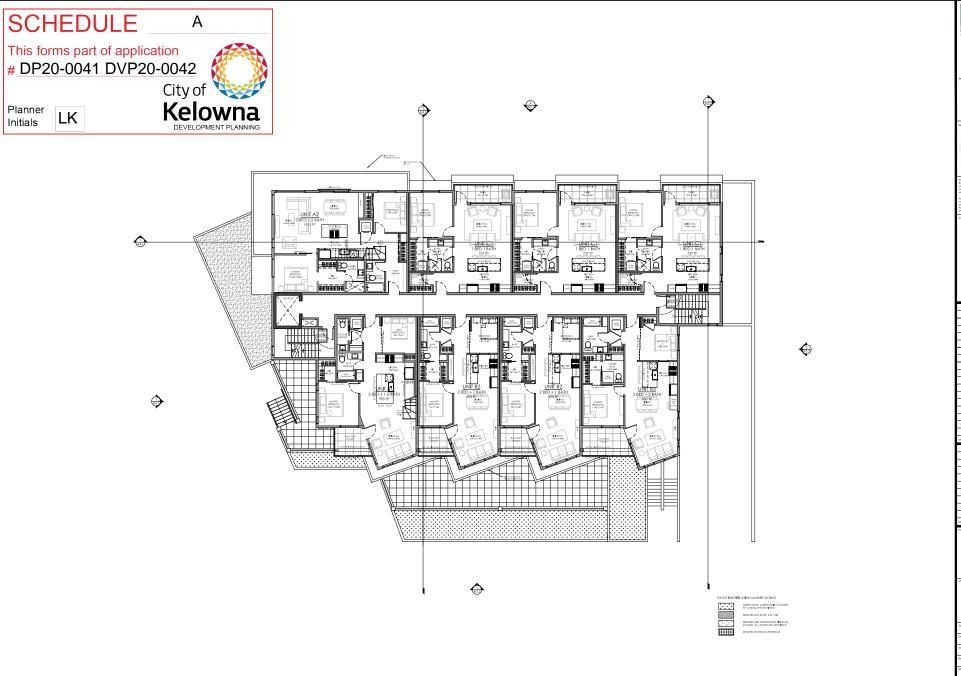
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3031 ABBOTT STREE KELOWNA, BC

FLOOR PLAN LEVEL 3

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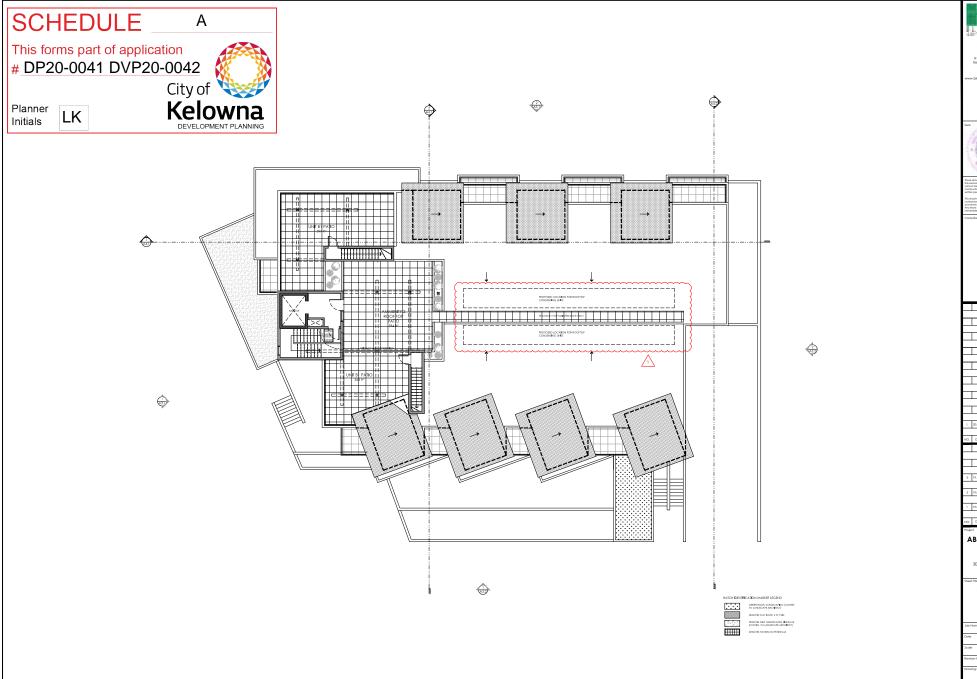
ABBOTT STREET

MIXED-USE
DEVELOPMENT

KELOWNA, BC

FLOOR PLAN LEVEL 4

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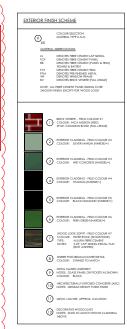
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ROOF PLAN

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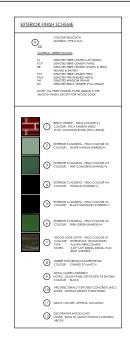
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BUILDING ELEVATIONS

2021.09.07

A3.1





SOUTH (LANE) ELEVATION





EAST ELEVATION

1/8°=1°-0"

A3.2

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SCHEDULE This forms part of application # DP20-0041 DVP21-00042 City of Kelowna Planner

DEVELOPMENT PLANNING

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